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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRAN, VINCENT HUY	
ART UNIT	**PAPER NUMBER**
2115	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,301	SCHRON, ROGER	
	Examiner	Art Unit	
	Vincent T. Tran	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/12/04; 12/12/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 12/12/03

2. Claims 12-23 are pending for examination.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 1/12/2004, 12/12/2003 were considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 12-14, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoeckl U.S. Patent No. 5,484,188.

7. As per claim 12, Stoeckl discloses a system for operating a dental chair connected to a computer comprising, one of actuating and status indicators [31, 30, 28, 29, 32-34, S1...S6 fig. 6] disposed on the dental chair,

- a computer interface [23 fig. 2], via which information is transmitted in the form of function codes from the dental chair to the computer [CPU 22 fig. 2] by way of the actuating element,
- a storage area in the computer [24, 35 fig. 2], in which actions assigned to at least one function code are stored,
- wherein the computer has software capable of managing the at least one function code and by means of which the action assigned to the at least one function coded in a saved configuration file in the storage area is initiated [col. 4 lines 11-21, lines 32-43], functions of the software being carried out in a running PC application [col. 5 lines 32-40].
- and wherein the assignment of the at least one function code associated with the actuating elements on the dental chair to prescribed actions are capable of being configured by modifying the configuration file for the software [col. 2 lines 2-10; col. 5 lines 42-45; col. 6 lines 24-26; col. 4 lines 52-67].

8. As per claim 13, Stoeckl discloses the software includes a dialog box [40 fig. 2] by means of which a user can allocate the at least one function code issuing from the one of the actuating elements and status indicators on the dental chair to predetermined PC actions [col. 6 lines 50-63].

9. As per claim 14, Stoeckl discloses the assignment of the actuating elements depend on the currently active PC application [inherent].

10. As per claim 16, Stoeckl discloses the information concerning the assignment of the actuating elements is capable of being transmitted from the computer to the dental chair via the computer interface and is made perceptible to the control panel [col. 6 lines 51-63].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoeckl as applied to claim 12 above, and further in view of Bisch et al. U.S. Patent No. 6,179,829 ("Bisch").

15. As per claim 15, Although, Stoeckl teaches individual applicant for, seating or for a standing treatment can be selected with the selection keys 28, 29; Stoeckl does not explicitly teach the actuating elements, which operable to adjust the specific chair position according to the specific tooth treatment, have different assignments for different applications.

Bisch teaches another apparatus relates to the control of surgical instruments, especially microsurgical and ophthalmic system, by using a foot controls [15 fig. 1], and more particularly, to a surgical foot control connected to a PC [3 fig. 1] with programmable features and functions for specific use in a modular microsurgical system for anterior and posterior ophthalmic surgery. Specifically, Bisch teaches the programmable foot controls (actuating elements) have different assignments for different PC application [col. 14 lines 32-51].

Stoeckl and Bisch are analogous art because they from the same field of endeavor; programmable controller for medical devices.

At the time of the invention was made, it would have been obvious to one ordinary skill in the art to have modified the actuating element of Stoeckl with the actuating elements have different assignments for different applications as taught by Bisch.

The suggestion/motivation for doing so would have been to provide the actuating element the ability to perform a wide range of function according to the specific mode of the medical device.

Therefore, it would have been obvious to combine Stoeckl with Bisch to obtain the invention as specified in claim 15.

16. As per claim 16, Bishch further teaches the information concerning the assignment of the actuating elements is capable of being transmitted from the computer to the dental chair via the computer interface and is made perceptible to the control panel [col. 15 lines 8-2-55].

17. Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoeckl in view of Bisch.

Stoeckl teaches a method of controlling a dental chair connected to a computer comprising the steps of:

- actuating one of an actuating element and a status indicator disposed on the dental chair [S1...S6, fig. 2] and generating information thereon at the dental chair [col. 5 lines 4-9];
- transmitting the information in the form of at least one function code from the dental chair to the computer;
- comparing the information in the form of the at least one function code with a configuration file in a storage area [24 fig. 2] in the computer; and
- carrying out an action assigned to predetermined information stored in a configuration file [col. 4 lines 8-13; col. 5 lines 32-41];
- wherein the comparison of the information is taken over by software managing the assignment [col. 4 lines 61-65; col. 16-24], and wherein
- the assignment of the at least one function code of the status indicators on the dental chair to the action is specified and is configured by modifying the configuration file [col. 5 lines 42-48; col. 6 lines 24-30].

Although, Stoeckl teaches the comparison of the information is taken over by software managing the assignment wherein the software automatically correcting all of the program in memory 24 according to the specific selected working position of the user. Stoeckl does not teach the comparison is independent of the PC applications used, by means of which the action is carried out, by opening or closing of a PC application.

Bisch teaches another apparatus relates to the control of surgical instruments, especially microsurgical and ophthalmic system, by using a foot controls [15 fig. 1], and more particularly, to a surgical foot control connected to a PC [3 fig. 1] with programmable features and functions for specific use in a modular microsurgical system for anterior or posterior ophthalmic surgery. Specifically, Bisch teaches the comparison of the information is taken over by software managing the assignment [*inherent since the foot control is assign to perform different function according to different mode of operation-col. 14 lines 47-51*] and independent of the PC applications used, by means of which the action is carried out, by opening of closing of a PC application [*inherent – depended on the whether the system is in anterior or posterior ophthalmic surgery mode; the comparison is independent of the surgery application; col. 2 lines 48-55; col. 3 lines 30-36*].

At the time of the invention was made, it would have been obvious to one ordinary skill in the art to have modified the actuating element of Stoeckl with the comparison of information that is independent of the PC application by means of opening or closing of a PC application as taught by Bisch.

The suggestion/motivation for doing so would have been to provide the actuating element the ability to perform a wide range of function according to the specific mode of the medical device.

Therefore, it would have been obvious to combine Stoeckl with Bisch to obtain the invention as specified in claim 17.

18. As per claim 18, Bisch teaches the software specifies the assignment of said at least one function code issuing from the status indicator on the dental chair to predetermined PC actions in a dialog box [fig. 12].

19. As per claim 19, Bisch teaches the software provide means for storing a number of different configuration [inherent].

20. As per claim 20, Bisch teaches the assignment of the actuating element is dependent of the currently active PC application [col. 14 47-51].

21. As per claim 21, Bisch teaches in different PC application different actions are assigned to the actuating element concern [col. 14 lines 47-51].

22. As per claim 22, Stoeckl teaches the assignments are display on the control panel of the system [col. 5 lines 42-52].

23. As per claim 23, Stoeckl teaches a PC context that is retuned via a computer interface is indicated on a control panel [col. 5 lines 42-52].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (57 1)272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Tran